

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Stephen Robinson

v.

Civil No. 09-cv-374-PB

New Hampshire Adult Parole Board

O R D E R

Before the Court is a pleading ("Petition") (doc. no. 1), filed by Stephen Robinson, asserting that defendants, the New Hampshire Adult Parole Board ("Board"); John Eckert, Board Executive Assistant; and current and former Board members, George Iverson, George Khoury, and Alan Coburn, violated Robinson's right to due process in connection with a parole revocation hearing. Robinson claims that the New Hampshire Supreme Court ("NHSC") closed ranks behind the Board in declining to accept an appeal of Robinson's unsuccessful state habeas petition challenging the parole revocation. The matter is before me for preliminary review to determine, among other things, whether the Petition (doc. no. 1) states any claim upon which relief can be granted. See United States District Court District of New Hampshire Local Rule ("LR") 4.3(d).

For reasons set forth in the Report and Recommendation issued this date, Robinson's claims for damages and other relief, asserted under 42 U.S.C. § 1983, should be dismissed pursuant to

the Rooker-Feldman doctrine. Robinson's claims for federal habeas relief, asserted under 28 U.S.C. § 2254, challenging the revocation of parole, are vulnerable to dismissal, as noted in the Report and Recommendation, due to Robinson's failure to demonstrate exhaustion and failure to show that a case or controversy remains as to his habeas claims, now that he is no longer in state custody. Therefore, I hereby issue the following Order directing Robinson to file an amended petition in this case.

Conclusion

Robinson shall file an amended petition within 30 days of the date of this Order. In that amended petition:

1. Robinson shall identify with specificity the concrete, non-speculative, collateral consequences, if any, that he is suffering as a result of the parole revocation at issue in his claims for federal habeas relief.
2. Robinson shall clarify the precise nature of his claims for federal habeas relief, and shall demonstrate that he has exhausted his state remedies as to those claims, by filing as part of his amended petition:
 - a) the Superior Court order denying his state habeas petition, issued in Coos County Superior Court, in case no. 09-E-0043;
 - b) Robinson's notice of discretionary appeal of that decision, filed in the NHSC, in case No. 2009-572; and
 - (c) the NHSC order declining to accept that appeal in case no. 2009-572.

Robinson's failure to comply with the terms of this Order

will result in a recommendation that § 2254 claims in the
Petition be dismissed.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. McCafferty', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Landya B. McCafferty
United States Magistrate Judge

Date: June 28, 2010

cc: Stephen Robinson, pro se

LBM:nmd